STATE OF IOWA BEFORE THE BOARD OF COSMETOLOGY ARTS & SCIENCES EXAMINERS

IN THE MATTER OF:	
Thanh Hoang Nguyen License No. 840-00756 and Thanh Vu Phuong Hoang License No. 840-00740	CASE NO. 05-019
doing business as Secret Nails License No. 002-A00509 RESPONDENTS.	COMBINED STATEMENT OF CHARGES, INFORMAL SETTLEMENT AGREEMENT, AND CONSENT ORDER
RESPONDENTS.	AND CONSENT ORDER

The Iowa Board of Cosmetology Arts and Sciences Examiners (Board) and Thanh Hoang Nguyen and Thanh Vu Phuong Hoang dba Secret Nails (Respondents) enters into this Combined Statement of Charges, Informal Settlement Agreement, and Consent Order (Agreement) pursuant to Iowa Code sections 17A.10(2), 272C.3(4)(2005), and chapter 645 Iowa Administrative Code (IAC) rule 12.1.

1. Secret Nails presently possesses license number 002-A00509 to operate a nail technology salon in the state of lowa. The license is current and will next expire on December 31, 2006. Board records indicate that the salon license was issued to Thanh Hoang Nguyen and Thanh Vu Phuong Hoang on August 28, 1998, and the salon is located at 2600 Edgewood Road SW #306, Cedar Rapids, Iowa 52404. Thanh Nguyen's nail technology license number 840-00756, was issued on December 2, 1998 and will expire on March 31, 2006. Thanh Vu Phuong Hoang's nail technology license number 840-00740 was issued on October 14, 1998 and will expire on March 31, 2006.

2. The Board has jurisdiction of this matter pursuant to Iowa Code chapters 17A, 157, and 272C (2005). Licenses issued by the Board are subject to the laws of the State of Iowa and the administrative rules promulgated by the Board.

STATEMENT OF CHARGES

COUNT I

3. Respondents are charged under lowa Code sections 147.55, 157.6, 157.9, 157.13, 272C.3(2) and 645 IAC rules 63.5(1), (2) and (8) and 63.16(1) by engaging in practices that are harmful or detrimental to the public and operating their nail technology salon in violation of those statutes and administrative rules.

CIRCUMSTANCES

- 4. During an inspection of Respondent salon on May 26, 2005, it was found:
 - a. the services area was not sufficiently ventilated;
 - b. dispensing area was not separate from a food cooking area;
 - c. sanitation of the floor behind the spa needed improvement and a ceiling tile was missing;
 - d. containers (spray bottles) containing cosmetic products used in providing services to clients were not labeled.

COUNT II

5. Respondents are charged under Iowa Code sections 157.9, 157.13(1) and 272C.3(2) and 645 IAC rule 63.4(1) by engaging in a practice harmful or detrimental to the public and operating their nail technology salon in violation of those statutes and administrative rule.

CIRCUMSTANCES

6. During an inspection of Respondent salon on May 26, 2005, it was found that an employee license for Tho Q. Nguyen 840-00825 was posted. The license of Tho Q. Nguyen was not current. It was not reinstated until August 5, 2005.

SETTLEMENT AGREEMENT

- 7. Respondents, without admission of wrongdoing or guilt, agree not to contest the above stated charge before the Board.
- 8. Respondents have a right to receive notice of the charge and to request a hearing before the Board on the merits of the charge, but waive its right to notice and a hearing and all attendant rights, including the right to appeal or seek judicial review of the Board's actions, by freely and voluntarily entering into this Agreement. This Agreement shall constitute the final order of the Board in this case.
- 9. Respondents agree that the State's counsel may present this Agreement to the Board and may have ex parte communications with the Board while presenting it.
- 10. This Agreement shall be part of the permanent record of Respondents and shall be considered by the Board in determining the nature and severity of any disciplinary action to be imposed in the event of future violations.
- 11. Any failure by Respondents to comply with the terms and conditions of this Agreement shall subject Respondents to further licensee disciplinary action which could be initiated by the Board through the filing of a statement of charges with a hearing to be held on the merits.

- 12. This Agreement is subject to approval by the Board:
 - (a) If the Board does not approve this Agreement, it shall be of no force or effect on either party and it shall not be admissible for any purpose in further proceedings in this matter.
 - (b) If the Board approves this Agreement, it shall fully dispose of all issues in this case.
- 13. This Agreement is a public record pursuant to Iowa Code sections 272C.3(4) and 272C.6(4)(2005).
- 14. This Agreement shall not be binding as to any new complaints received by the Board.

CONSENT ORDER

IT IS THEREFORE ORDERED:

- 15. Respondents shall comply with all sanitary and licensing rules in the operation of their salon.
- 16. Respondents agree to pay to the Board a civil monetary penalty of \$400.00. Respondent shall remit full payment of the civil monetary penalty to the Board within 30 days of the date this Agreement is executed by the Board.

WHEREFORE, the terms of this Statement of Charges, Informal Settlement Agreement, and Consent Order are agreed to and accepted by the Iowa Board of Cosmetology Arts and Sciences and Respondents.

This Combined Statement of Charges, Informal Settlement Agreement and Consent Order is approved by the board on November 2, 2005.